

REMARKS

Applicants note with appreciation the Examiner's withdrawal of the finality of the last Office Action.

Reconsideration and allowance of the present application are respectfully requested. Claims 1-47 remain pending in the application.

Independent claims 1, 20, 23, 32, 41 and 46 remain pending in the application, and are considered allowable over U.S. Patent No. 6,250,548 (McClure), considered either individually or in view of newly cited U.S. Patent No. 6,311,190 (Bayer et al). For example, Applicant's claim 1 is directed to a method which can **establish registration** of a voter over a computer network such that a registered voter can transmit a voted electronic ballot from a second computer. Such a feature is simply not taught or suggested by the McClure and Bayer patents, considered individually or in the combination relied upon by the Examiner. Independent claims 23, 32 and 41 recite similar features.

Independent claims 20 and 46 recite, among other features, use of a first computer connected to a computer network, by which a citizen can make a dedicated **request for status** of the citizen's voter registration status or electronic ballot status. The McClure and Bayer patents, considered individually or in combination, do not teach or suggest any ability to make a separate request specifically for the citizen's voter registration status or the citizen's electronic ballot status.

As discussed herein, all of the pending independent claims are considered allowable over the documents relied upon by the Examiner.

More particularly, on page 1 of the office Action, claims 1-19 and 23-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over the McClure patent in view of the Bayer patent. On page 12 of the Office Action, claims 20-22 and 41-47 are rejected under 35 U.S.C. §102(e) as being anticipated by the McClure patent. These rejections are respectfully traversed.

In rejecting independent claim 1, the Examiner acknowledges on page 2 of the Office Action that:

McClure et al. do not expressly disclose such a method comprising the steps of:

- transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer;
- transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter;

However, the Examiner relies on the Abstract of the Bayer patent as disclosing these features, and asserts on page 3 of the Office Action:

Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to modify a method for completing and submitting an electronic voter registration form and an electronic ballot over a network as disclosed by McClure et al. to include **"transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer; transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter"** as suggested by Bayer et al. to establish a registered voter over the network.

This rejection based on the McClure and Bayer patents is respectfully traversed, because the last sentence of the Abstract in the Bayer patent is merely directed to providing a system by which a voter can submit registration information to a network server; however, there is no teaching or suggestion in the Bayer patent of a system that can actually establish that a voter is registered, such that the registered voter can receive a blank ballot upon request at a second computer (see Applicants' claim 1). The Bayer patent merely describes a database for receiving data, with no mechanism for using the data to "establish" a registered voter so that the registered voter will have the **ability** to receive an electronic ballot and/or transmit a voted electronic ballot from a second computer.

As generally encompassed by independent claims 1, 23, 32 and 41, exemplary embodiments of the present invention are directed to establishing a registered voter over a computer network. For example, Applicant's Figure 2

illustrates a step 204 in which a citizen 102 can request registration to vote and establish a registered voter (see specification page 13, paragraph [0033]. As described in paragraph [0042] on specification page 20, once a citizen 102 becomes a registered voter, a separate request to vote can be made in step 304 of Figure 3A. Thus, Applicants' disclosed establishment of a registered voter over a computer network is separate and distinct from the ability to actually vote over a computer network. The system disclosed allows a registered voter to transmit an electronic ballot from either the same computer or from a second, different computer,

Claim 1, which encompasses the foregoing features, is directed to a method for completing and submitting an electronic voter registration form and an electronic ballot over a network. Claim 1 recites, among other features, transmitting registration information from a first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to **establish** a registered voter, such that the registered voter can receive a blank electronic ballot transmitted to a second computer and/or transmit a voted electronic ballot from the second computer.

The McClure patent teaches that registration is performed beforehand, and the system of McClure is directed to a voting system. Column 36, lines 23 et al. of the McClure patent, refers to "the process of casting a ballot using the Internet". There is no discussion in column 36, lines 23-30 of registration occurring over the computer network. Column 36, lines 30 et al. describe a voting process "once" a voter is already registered. In other words, a voter must supply all information necessary to pre-register and that information is included in a database. When a voter then later initiates the voting process, information regarding the voter's registration can be accessed so that the voter can identify themselves and begin the voting process (e.g., through the provision of, for example, a password as described at column 36, lines 37-39). A request to vote, as described in this portion of the McClure patent, simply does not anticipate Applicants' claimed methods and systems for establishing voter registration. As such, independent claims 1, 23, 32 and 41, which are directed to **establishing a registered voter**, are allowable over the McClure patent.

The Examiner refers to the abstract of the Bayer patent as overcoming deficiencies of the McClure patent. However, the Bayer patent fails to teach or suggest "establishing" a "registered voter" having the capabilities recited in claim 1. The Bayer patent is directed to a system for conducting surveys to voters in different languages. Mention is made in the Bayer patent Abstract of registering voters over a network, such as the Internet. However, the Bayer patent is directed to polling (surveying) voters in numerous countries, and then providing the results of the surveys. (See column 1, lines 19-23). As such, there is no need in the Bayer patent to "establish" a registered voter so that, for example, an electronic ballot for voting can be transmitted to the registered voter at a second computer. As such, it would not have been obvious to one skilled in the art to combine features described in the Bayer patent with features of the McClure patent. Independent claim 1 is therefore allowable over the McClure and Bayer patents, as their combination is inappropriate.

Moreover, even if these patents could have been combined in the manner suggested by the Examiner, the presently claimed invention would not have resulted. As already discussed, the McClure patent is not directed to completing and submitting an electronic voter registration form and an electronic ballot over a network. This patent does not **establish** a registered voter. The Bayer patent fails to overcome these deficiencies because it does not disclose establishing registration as a precondition for participation in receiving and/or transmitting an electronic ballot. The registration described in the Bayer patent is based on user-provided information, which is inadequate for registering voters in a voting based system wherein the registered voter is to have the ability to transmit an electronic ballot from a second computer.

The Bayer patent does not teach or suggest how to register from one computer and permit the ability to provide optional voting from another computer. The McClure and Bayer patents place data on a client computer, so that a user can return to that computer for subsequent actions. For example, the Bayer patent is directed to the use of browser cookies (see column 3, lines 29-34, for example) placed on a client computer to assist with subsequent actions executed on that computer. However, neither patent is directed to establishing a registered voter over

a network such that the registered voter has an option to receive and transmit an electronic ballot via a second computer as recited in independent claim 1.

As such, independent claim 1 is allowable over the McClure and Bayer patents, considered individually or in the combination relied upon by the Examiner. Claims 23, 32 and 41 recite similar features, and are therefore also allowable.

Claims 20 and 46 are allowable, as these claims are directed to a method and system whereby a first computer connected to a computer network can be used by a citizen to request at least one of a citizen's voter registration status and the citizen's electronic status. In rejecting claim 20 on page 12 of the Office Action, the Examiner asserts that the features of claim 20 are disclosed by the McClure patent.

To the contrary, the McClure patent neither teaches nor suggests any ability of a citizen to specifically request, via a computer connected to an Internet, at least one of a voter registration status and an electronic ballot status. The Examiner refers to column 36, lines 30-33, lines 59-67 and column 33, lines 22-27 with respect to a "vote request" in the McClure patent. It is respectfully submitted that a "vote request" does not constitute a status request as presently claimed.

Applicants' presently claimed invention regarding status verification is, for example, described with respect to Figure 5. As discussed on Applicants' specification pages 30 et al., a citizen can make a dedicated request for status of their voter registration and/or electronic ballot over a computer network, a capability which simply does not exist in known computer network based voting systems.

Any implicit status request that a voter may derive from feedback received in the system of McClure does not constitute Applicant's claim 20 method which includes a step of receiving, from a first computer connected to a computer network, a citizen's **request regarding status** of at least one of the citizen's voter registration and the citizen's electronic ballot status, and which results in a transmission of status information to the citizen's computer. As such, claim 20 is allowable. Claim 46 recites features similar to those discussed with respect to claim 20 and is also allowable.

The Bayer patent fails to overcome the deficiencies described with respect to the McClure patent, such that independent claims 20 and 46 are allowable.

All of the remaining claims depend from the aforementioned independent claims and recite additional advantageous features which further distinguish over the McClure and Bayer patents.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited

Respectfully submitted,

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